

**SECTION 5. APPROPRIATIONS.** To provide a reasonable period for each project agency under Article 8930, Revised Statutes, as added by this Act, to establish itself as semi-independent and self-directed after the conclusion of fiscal year 1999, each project agency is appropriated an amount equal to 50 percent of that agency's appropriated amount for fiscal year 1999. This appropriation shall be repaid to the general revenue fund by the project agency as funds become available.

**SECTION 6. EFFECT OF TRANSITION TO INDEPENDENT STATUS.** (a) The transfer of a project agency under Article 8930, Revised Statutes, as added by this Act, to semi-independent status and the expiration of semi-independent status shall not act to cancel, suspend, or prevent:

- (1) any debt owed to or by the project agency;
- (2) any fine, tax, penalty, or obligation of any party;
- (3) any contract or other obligation of any party; or
- (4) any action taken by the project agency in administration or enforcement of its duties.

(b) Each project agency shall continue to have and exercise the powers and duties allocated to it in its enabling legislation, except as specifically amended by this Act.

(c) Title to all supplies, materials, records, equipment, books, papers, and facilities used by each project agency is transferred to each respective project agency in fee simple. Nothing in this Act shall have any effect on property already owned by the project agencies. At its sole option, each project agency may continue to occupy its current premises at the rates prescribed by the General Services Commission for indirect costs and bond debt service for the duration of the pilot project.

(d) Examination fees collected prior to September 1, 1999, for examinations conducted after September 1, 1999, shall be made available to the project agency for costs associated with conducting the examinations.

**SECTION 7. EFFECTIVE DATE.** This Act takes effect September 1, 1999.

**SECTION 8. EMERGENCY.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on April 26, 1999, by a viva-voce vote; May 26, 1999, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 29, 1999, House granted request of the Senate; May 30, 1999, Senate adopted Conference Committee Report by a viva-voce vote; passed subject to the provisions of Article III, Section 49a, of the Constitution of Texas; passed the House, with amendments, on May 25, 1999, by a non-record vote; May 29, 1999, House granted request of the Senate for appointment of Conference Committee; May 30, 1999, House adopted Conference Committee Report by a non-record vote; passed subject to the provisions of Article III, Section 49a, of the Constitution of Texas.

Approved June 19, 1999.

Effective September 1, 1999.

## CHAPTER 1553

S.B. No. 1441

### AN ACT

relating to expanding the specialized telecommunications devices assistance program and contracts for special features of the telecommunications relay access service.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Section 56.021, Utilities Code, is amended to read as follows:

**Sec. 56.021. UNIVERSAL SERVICE FUND ESTABLISHED.** The commission shall adopt and enforce rules requiring local exchange companies to establish a universal service fund to:

(1) assist local exchange companies in providing basic local telecommunications service at reasonable rates in high cost rural areas;

(2) reimburse local exchange companies for revenue lost by providing tel-assistance service under Subchapter C;

(3) reimburse the telecommunications carrier that provides the statewide telecommunications relay access service under Subchapter D;

(4) finance the specialized telecommunications ~~[device]~~ assistance program established under Subchapter E; and

(5) reimburse the department, the Texas Commission for the Deaf and Hard of Hearing, and the commission for costs incurred in implementing this chapter and Chapter 57.

SECTION 2. Subchapter D, Chapter 56, Utilities Code, is amended by adding Section 56.1085 to read as follows:

*Sec. 56.1085. SPECIAL FEATURES FOR RELAY ACCESS SERVICE. (a) The commission may contract for a special feature for the state's telecommunications relay access service if the commission determines:*

*(1) the feature will benefit the communication of persons with an impairment of hearing or speech;*

*(2) installation of the feature will be of benefit to the state; and*

*(3) the feature will make the relay access service available to a greater number of users.*

*(b) If the carrier selected to provide the telecommunications relay access service under Section 56.108 is unable to provide the special feature at the best value to the state, the commission may make a written award of a contract for a carrier to provide the special feature to the telecommunications carrier whose proposal is most advantageous to the state, considering:*

*(1) the factors provided by Section 56.108(b); and*

*(2) the past performance, demonstrated capability, and experience of the carrier.*

*(c) The commission shall consider each proposal in a manner that does not disclose the contents of the proposal to a telecommunications carrier making a competing proposal.*

*(d) The commission's evaluation of a telecommunications carrier's proposal shall include the considerations provided by Section 56.108(d).*

SECTION 3. Subsection (a), Section 56.109, Utilities Code, is amended to read as follows:

*(a) The telecommunications carrier selected to provide the telecommunications relay access service under Section 56.108 or the carrier selected to provide a special feature for ~~[that provides]~~ the telecommunications relay access service under Section 56.1085 shall be compensated at rates and on terms provided by the carrier's contract with the commission.*

SECTION 4. Subsection (a), Section 56.110, Utilities Code, is amended to read as follows:

*(a) An advisory committee to assist the commission in administering this subchapter is composed of the following persons appointed by the commission:*

*(1) two persons with disabilities that impair the ability to effectively access the telephone network other than disabilities described by Subdivisions (2)–(7);*

*(2) one deaf person recommended by the Texas Deaf Caucus;*

*(3) ~~[(2)]~~ one deaf person recommended by the Texas Association of the Deaf;*

*(4) ~~[(3)]~~ one person with a hearing impairment recommended by Self-Help for the Hard of Hearing;*

*(5) ~~[(4)]~~ one person with a hearing impairment recommended by the American Association of Retired Persons;*

*(6) ~~[(5)]~~ one deaf and blind person recommended by the Texas Deaf/Blind Association;*

*(7) ~~[(6)]~~ one person with a speech impairment and one person with a speech and hearing impairment recommended by the Coalition of Texans with Disabilities;*

(8) [(7)] two representatives of telecommunications utilities, one representing a nonlocal exchange utility and one representing a local exchange company, chosen from a list of candidates provided by the Texas Telephone Association;

(9) [(8)] two persons, at least one of whom is deaf, with experience in providing relay services recommended by the Texas Commission for the Deaf and Hard of Hearing; and

(10) [(9)] two public members recommended by organizations representing consumers of telecommunications services.

SECTION 5. Section 56.111, Utilities Code, is amended to read as follows:

Sec. 56.111. ADVISORY COMMITTEE DUTIES. The advisory committee shall:

(1) monitor the establishment, administration, and promotion of the statewide telecommunications relay access service;

(2) advise the commission in pursuing a service that meets the needs of persons with an impairment of hearing or speech in communicating with other telecommunications services users; and

(3) advise the commission and the Texas Commission for the Deaf and Hard of Hearing, at the request of either commission, regarding any issue related to the specialized telecommunications [device] assistance program established under Subchapter E, including:

(A) devices or services suitable to meet the needs of persons with disabilities [the hearing-impaired and speech-impaired] in communicating with other users of telecommunications services; and

(B) oversight and administration of the program.

SECTION 6. The heading to Subchapter E, Chapter 56, Utilities Code, is amended to read as follows:

#### SUBCHAPTER E. SPECIALIZED TELECOMMUNICATIONS [DEVICE] ASSISTANCE PROGRAM

SECTION 7. Sections 56.151 through 56.154, Utilities Code, are amended to read as follows:

Sec. 56.151. SPECIALIZED TELECOMMUNICATIONS [DEVICE] ASSISTANCE PROGRAM. The commission and the Texas Commission for the Deaf and Hard of Hearing by rule shall establish a *specialized telecommunications assistance* program to provide financial assistance to [certain] individuals *with disabilities that impair the individuals' ability to effectively access the telephone network* [who are deaf or have an impairment of hearing or speech] to enable the individuals to purchase specialized equipment or services to provide telephone network access that is functionally equivalent to that enjoyed by individuals without disabilities [an impairment of hearing or speech]. *The agencies may adopt joint rules that identify devices and services eligible for vouchers under the program.*

Sec. 56.152. ELIGIBILITY. The Texas Commission for the Deaf and Hard of Hearing by rule shall prescribe eligibility standards for *individuals, including deaf individuals and individuals who have an impairment of hearing or speech*, to receive an assistance voucher under the program. To be eligible, an individual must be a resident of this state who has access to a telephone line in the individual's home or place of business.

Sec. 56.153. VOUCHERS. (a) The Texas Commission for the Deaf and Hard of Hearing shall determine a reasonable price for a basic *specialized telecommunications device or basic specialized services to provide telephone network access from a home or business* [for the deaf (TDD or TTY)] and distribute to each eligible applicant a voucher that guarantees payment of that amount to a distributor of new specialized telecommunications devices described by Section 56.151 or to a provider of services described by that section. *The Texas Commission for the Deaf and Hard of Hearing may issue a voucher for a service only if the service is less expensive than a device eligible for a voucher under the program to meet the same need.*

(b) A voucher must have the value printed on its face. The individual exchanging a voucher for the purchase of a specialized telecommunications device or service is responsible

for payment of the difference between the voucher's value and the price of the device *or service*.

(c) The commission and the Texas Commission for the Deaf and Hard of Hearing by rule shall provide that a distributor of devices or a provider of services will receive not more than the full price of the device or service ~~a specialized telecommunications device~~ if the recipient of a voucher exchanges the voucher for a device or service that the distributor or provider sells for less than the voucher's value.

(d) An individual who has exchanged a voucher for a specialized telecommunications device is not eligible to receive another voucher before the seventh anniversary of the date the individual exchanged the previously issued voucher *unless, before that date, the recipient develops a need for a different type of telecommunications device or service under the program because the recipient's disability changes or the recipient acquires another disability*.

(e) An individual is not eligible for a voucher if the Texas Commission for the Deaf and Hard of Hearing has issued a voucher to another individual in the individual's household for a device or service to serve the same telephone line.

(f) ~~(e)~~ The Texas Commission for the Deaf and Hard of Hearing shall:

- (1) process each application for a voucher to determine eligibility of the applicant; and
- (2) give each eligible applicant a voucher on payment of a \$35 fee.

(g) ~~(f)~~ The Texas Commission for the Deaf and Hard of Hearing shall maintain a record regarding each individual who receives a voucher under the program.

(h) ~~(g)~~ The Texas Commission for the Deaf and Hard of Hearing shall deposit money collected under the program to the credit of the universal service fund.

Sec. 56.154. COMMISSION DUTIES. (a) Not later than the 45th day after the date the commission receives a voucher a telecommunications device distributor presents for payment or a voucher a telecommunications service provider presents for payment, the commission shall pay to the distributor or service provider the lesser of the value of a voucher properly exchanged for a specialized telecommunications device or service or the full price of the device or service for which a voucher recipient exchanges the voucher. The payments must be made from the universal service fund.

(b) The commission may investigate whether the presentation of a voucher for payment represents a valid transaction for a telecommunications device or service under the program. The Texas Commission for the Deaf and Hard of Hearing shall cooperate with and assist the commission in an investigation under this subsection.

(c) *Notwithstanding Section 56.153(a), the commission may:*

*(1) delay payment of a voucher to a distributor of devices or a service provider if there is a dispute regarding the amount or propriety of the payment or whether the device or service is appropriate or adequate to meet the needs of the person to whom the Texas Commission for the Deaf and Hard of Hearing issued the voucher until the dispute is resolved;*

*(2) provide that payment of the voucher is conditioned on the return of the payment if the device is returned to the distributor or if the service is not used by the person to whom the voucher was issued; and*

*(3) provide an alternative dispute resolution process for resolving a dispute regarding a subject described by Subdivision (1) or (2).*

SECTION 8. Subsection (a), Section 56.155, Utilities Code, is amended to read as follows:

(a) The commission shall allow a telecommunications utility to recover the universal service fund assessment related to the specialized telecommunications ~~device~~ assistance program through a surcharge added to the utility's customers' bills.

SECTION 9. (a) In accordance with Subsection (c), Section 311.031, Government Code, which gives effect to a substantive amendment enacted by the same legislature that codifies the amended statute, the text of Section 56.021, Subsection (a), Section 56.110, Sections 56.111, 56.151, 56.152, 56.153, and 56.154, and Subsection (a), Section 56.155, Utilities Code, as

set out in Sections 1, 4, 5, 6, 7, and 8 of this Act, gives effect to changes made by Chapter 149, Acts of the 75th Legislature, Regular Session, 1997.

(b) To the extent of any conflict, this Act prevails over another Act of the 76th Legislature, Regular Session, 1999, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 10. This Act takes effect September 1, 1999.

SECTION 11. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on April 23, 1999, by a viva-voce vote; the Senate concurred in House amendment on May 28, 1999, by a viva-voce vote; passed the House, with amendment, on May 26, 1999, by a non-record vote.

Approved June 19, 1999.

Effective September 1, 1999.

## CHAPTER 1554

### S.B. No. 1563

#### AN ACT

relating to establishing customer service standards and performance measures for state agencies.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Subtitle C, Title 10, Government Code, is amended by adding Chapter 2113 to read as follows:

### CHAPTER 2113. CUSTOMER SERVICE

*Sec. 2113.001. DEFINITION. In this chapter, "state agency" means a department, commission, board, office, or other agency in the executive or judicial branch of state government that is created under the constitution or a statute of this state. The term includes an institution of higher education as defined by Section 61.003, Education Code.*

*Sec. 2113.002. CUSTOMER SERVICE INPUT. (a) A state agency shall create an inventory of external customers for each budget strategy listed in the General Appropriations Act for that agency.*

*(b) Each agency shall gather information from customers using survey or focus groups or other appropriate methods approved by the Governor's Office of Budget and Planning and the Legislative Budget Board regarding the quality of service delivered by that agency. The information requested shall be as specified by the Governor's Office of Budget and Planning and the Legislative Budget Board and may include evaluations of an agency's:*

*(1) facilities, including the customer's ability to access that agency, the office location, signs, and cleanliness;*

*(2) staff, including employee courtesy, friendliness, and knowledgeability, and whether staff members adequately identify themselves to customers by name, including the use of name plates or tags for accountability;*

*(3) communications, including toll-free telephone access, the average time a customer spends on hold, call transfers, access to a live person, letters, and electronic mail;*

*(4) Internet site, including the ease of use of the site, information on the location of the site and the agency, and information accessible through the site such as a listing of services and programs and whom to contact for further information or to complain;*

*(5) complaint handling process, including whether it is easy to file a complaint and whether responses are timely;*